



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411

BOSTON, MASSACHUSETTS 02108

(617) 727-8352

(800) 462-OCPF

MICHAEL J. SULLIVAN  
DIRECTOR

April 18, 1995  
AO-95-14

Mr. C. Laurence Bowlby  
3 Oxford Road  
Wilmington, MA 01887

Re: Joint fundraising

Dear Mr. Bowlby:

This letter is in response to your March 8, 1995 request for an advisory opinion regarding the Wilmington Republican Town Committee's participation in a joint fundraiser with the Reading and North Reading Republican Town Committees.

You have stated that you are an officer of the Wilmington Republican Town Committee, which would like to organize a golf tournament together with the Reading and North Reading Republican Town Committees for the purpose of raising funds. You have suggested that the committees will "set up a tournament organization titled Republican Tri-town Golf Tournament and get a checking account to hold the funds in." You have asked for guidance in planning the fundraiser.

Campaign finance legislation recently enacted in Massachusetts, by ch. 43 of the Acts of 1994, indicates that joint fundraising activities by local political party committees, if "bona fide," are permissible. See M.G.L. c. 55, s. 10A, as amended, which states that the following activities are permissible:

(1) a bona fide joint fund-raising effort conducted solely for the purpose of sponsorship of a fund-raising reception, dinner, or other event, in accordance with rules prescribed by the director by:

(i) two or more state or local committees of a political party acting on their own behalf; . . .

M.G.L. c. 55, s. 10A, emphasis added. See also advisory opinion AO-94-27 (joint fundraising by two or more candidates permitted in limited circumstances).

In order to be considered "bona fide," a joint fundraising event must truly be "joint" and may not be used to circumvent the campaign finance law. However, the statute does not define which fundraising activities should be considered "bona fide." In addition, the statute does not specify the procedures to be used to allocate expenditures and contributions among

participating committees. Therefore, until regulations are promulgated, we would advise each committee participating in the event to comply with the following procedures to ensure that the event is "bona fide" and otherwise consistent with the campaign finance law.

The "Republican Tri-town Golf Tournament" ("the joint effort") should open a separate, segregated checking account and act as an agent of the three town committees. Contributions should be made payable to the Republican Tri-town Golf Tournament. The joint effort may not accept contributions of \$50 or more unless such contributions are made by personal check. See M.G.L. c. 55, s. 9. The contributors to the joint effort should be advised that they are subject to the limitations imposed by the campaign finance law on contributions to local political party committees.<sup>1</sup>

Therefore, (1) individuals, PACs, people's committees, and other party committees may make a contribution to the joint effort only to the extent such contribution, together with all other contributions to Republican party committees, does not exceed the \$5,000 aggregate annual limit; (2) legislative (and, as of July 1, 1995, executive) agents are limited to contributions of \$200 in a calendar year to any ward, town or city committee (i.e., a legislative agent may contribute \$600 to the joint effort, assuming no other contributions are made by the agent to any of the three participating committees during a calendar year); and (3) constitutional candidates may only give \$100 a year in total to any one ward, town or city committee and are limited to \$1,500 total to all ward, town or city committees in any calendar year (i.e., a constitutional candidate, assuming no other contributions are made by the candidate to any of the committees, may give \$300 to the joint effort). See M.G.L. c. 55, s. 6.

To the extent the three committees participating in the event make expenditures or incur liabilities in connection with the event, they must make expenditures or incur liabilities equally. For example, if \$300 must be spent for initial expenses of the joint effort, each committee would be responsible for paying \$100. Each committee must report its expenditures and liabilities to this office on Form CPF 102 WTC, the campaign finance report filed pursuant to M.G.L. c. 55, s. 18.

The person(s) managing the joint effort should make copies of all records reflecting contributions received and expenditures made by the joint effort in connection with the event. A set of copied records should be provided to each participating committee.

---

<sup>1</sup> "Political party committees" are political committees organized in accordance with M.G.L. c. 52 on behalf of a political party, as defined in M.G.L. c. 50, s. 1, whether elected or non-elected. See M.G.L. c. 55, s. 1.


In addition, the person(s) managing the joint effort should prepare a written "joint fundraising report," which will reflect the joint effort's: (1) total contributions received, (2) total expenditures<sup>2</sup>, (3) the amount paid to the joint effort by each participating committee (these amounts will also be reflected, as expenditures, in the campaign finance report filed by a participating committee), (4) the name, address, occupation, and employer<sup>3</sup> of each contributor and the total amount contributed by each contributor, (5) a listing of all in-kind contributions received by the joint effort reflecting the date received, the contributor, the residential address of the contributor, the occupation and employer of the contributor (if required), and a description of the contribution and its total value (which will be allocated pro rata among the three committees), and (6) the share of proceeds received by each committee (which will also appear as a receipt in a participating committee's campaign finance report). The joint effort may not incur liabilities on its own behalf.

The joint fundraising report should be duplicated and a copy provided to each committee, and each committee should file a copy of the joint report with the committee's next campaign finance report. Each committee treasurer is responsible for ensuring the report's accuracy.

The records of the event and the joint fundraising report should be provided to each committee within thirty days of the event. In addition, all proceeds obtained by the joint effort should be distributed, within thirty days of the event, to each committee in equal amounts. The distribution should be reflected in the joint fundraising report and in the campaign finance reports (Form CPF 102 WTC) filed by the committees.

This opinion has been rendered solely on the basis of representations made in your letter, and solely in the context of M.G.L. c. 55. Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

  
Michael J. Sullivan  
Director

MJS/cp

---

<sup>2</sup> The joint effort may make expenditures only to defray costs of the event. General operating expenses of a participating committee should be paid by the committee with funds separately raised by the committee, or alternatively, using proceeds distributed to the committee after the joint fundraiser.

<sup>3</sup> M.G.L. c. 55, s. 18 requires each committee to report the occupation and employer of each person who contributes \$200 or more in any calendar year unless a committee is not able to obtain this information after making a request when the contribution is solicited and an additional written request. See AO-95-07.